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W.P.No.33122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.33122 of 2024

N.Rukmani
W/o.Nalliappan

... Petitioner

Vs.

1. The District Collector
Office of District Collector
Namakkal.
2. The Thasildar
Office of Thasildar
Rasipuram
Namakkal District.
3. The Executive Engineer (Operation and Maintenance)
Tamil Nadu Electricity Generation and Distribution
Corporation Limited
Goundampalayam, Rasipuram Taluk
Namakkal District.
4. The Block Development Officer
Office of Block Development Officer
Rasipuram, Namakkal District.

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5. The Panchayat President
Anaipalayam Panchayat, Anaipalayam Post
Rasipuram Taluk, Namakkal District.

6. Vijayasaraswathi
D/o.Dharman

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1, 2, 4 and 5 to remove the encroachment caused by the 6th respondent over the Natham Poramboke land comprised in SF.No.101 1/13 of Anaipalayam Village, Rasipuram Taluk, Namakkal District by considering the representation of the petitioner herein dated 25.09.2024 within the time as fixed by this Hon'ble Court.

For Petitioner : Ms.D.Jeevitha
For Respondents : Mr.V.Ravi
Special Government Pleader
for R1 to R5

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity].



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2. Ms.D.Jeevitha, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 25.09.2024, learned counsel for writ petitioner submitted that there is alleged encroachment at 'SF.No.101 1/13 of Anaipalayam Village, Rasipuram Taluk, Nammakkal District' [hereinafter 'said land' for the sake of convenience and clarity] by R6 before us. To be noted, R6 is a private respondent.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents (R1 to R5) and putting in a safety valve / adequate protection qua alleged encroacher i.e., R6.

5. Issue notice to official respondents i.e., R1 to R5.

6. Mr.V.Ravi, learned Special Government Pleader accepts notice for R1 to R5.

7. In the light of what has been alluded to supra and considering the limited scope of the captioned WP, with the consent of both sides, main WP was taken up.



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8. It was submitted by learned Special Government Pleader that G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 has been put in place, wherein and whereby Divisional Monitoring committee, District Monitoring Committee and State Steering Committee have been constituted *inter alia* for a single point reporting / monitoring system qua Government lands.

9. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer (RDO), Namakkal District, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said land. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroacher (R6) before taking a call. In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroacher and therefore, this safety valve is put in place.



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To be noted, all the rights and contentions of alleged encroacher are preserved for being raised before the Committee concerned which shall consider the same on its own merits and in accordance with law untrammelled by this proceedings in this Court.

11. The Divisional Monitoring Committee qua G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022, shall (if it comes to the conclusion that there is encroachment) report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher).

12. It is open to the WP petitioner and or anyone concerned with this matter to come to this Court on the same issue even with a similar / same prayer if there are any change of circumstances.

13. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not qua said land as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to patta land and it will apply only to public land, if there is any encroachment



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in public land.

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14. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

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